

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Richard Fruin

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

10 HOWARD MORRIS, an individual,

11 Plaintiff,
12 v.

13 JACK RICHARD SCHARRINGHAUSEN,
14 an individual; CITY OF LONG BEACH, a
15 public entity; CITY OF LONG BEACH
16 FIRE DEPARTMENT, a public entity;
17 COUNTY OF LOS ANGELES, a public
18 entity; COUNTY OF LOS ANGELES
19 FIRE DEPARTMENT, a public entity; and
DOES 1 through 100,

Defendants.

CASE NO. 20STCV13701

COMPLAINT FOR:

1. **NEGLIGENCE;**
2. **BATTERY;**
3. **ASSAULT;**
4. **INTENTIONAL INFILCTION OF
EMOTIONAL DISTRESS;**
5. **MEDICAL NEGLIGENCE; and**
6. **NEGLIGENCE**

AND DEMAND FOR JURY TRIAL

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21 Plaintiff Howard Morris hereby brings the following Complaint and alleges as follows:

22 **I. PARTIES**

23 1. Plaintiff Howard Morris is and, at all times relevant to the matters alleged
herein, has been over the age of 18 and a resident of Los Angeles County.

24 2. Plaintiff is informed and believes and thereon alleges that Defendant Jack
25 Richard Scharringhausen (“Defendant Scharringhausen”) is an individual who, at all times
26 relevant to the matters alleged herein, has been a resident of Los Angeles County.
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1 3. Plaintiff is informed and believes and thereon alleges that Defendant City of
2 Long Beach is a California public entity, operating in Los Angeles County, California.

3 4. Plaintiff is informed and believes and thereon alleges that Defendant City of
4 Long Beach Fire Department is a California public entity, operating in Los Angeles County,
5 California.

6 5. Plaintiff is informed and believes and thereon alleges that Defendant County of
7 Los Angeles is a California public entity, operating in Los Angeles County, California.

8 6. Plaintiff is informed and believes and thereon alleges that Defendant County of
9 Long Beach Fire Department is a California public entity, operating in Los Angeles County,
10 California.

11 7. Defendants City of Long Beach, City of Long Beach Fire Department, County
12 of Los Angeles and County of Los Angeles Fire Department are sometimes collectively
13 referred to herein as "Firefighters."

14 8. Except as otherwise alleged, Plaintiff is unaware of the true names and
15 capacities of the defendants designated as DOES 1 through 100 and therefore sue such
16 defendants by such fictitious names. Plaintiff will amend this complaint when the true identities
17 of the DOE defendants have been ascertained. Plaintiff is informed and believes, and thereon
18 alleges that each of the defendants designated herein as a DOE defendant is liable, in some
19 manner, for the damages and other relief Plaintiff seeks to recover by this action.

20 9. Plaintiff is informed and believes and thereon alleges, that at all times relevant
21 herein, Defendants and some of DOES 1 through 100 were the agents, employees, and/or
22 servants, masters, or employers of the remaining DOES 1 through 100, and in doing the things
23 herein alleged, were acting within the course and scope of such agency or employment, and
24 with the approval and ratification of each of the other Defendants.

25 10. Plaintiff is further informed and believes, and thereon alleges, that each of the
26 fictitiously named Defendants aided and assisted the named Defendants in committing the
27 wrongful acts alleged herein, and that Plaintiff's damages were proximately caused by each
28 defendant.

1 **II. ADMINISTRATIVE REMEDIES EXHAUSTED**

2 11. Plaintiff has exhausted his administrative remedies by duly and timely filing
3 proper notice of claim with Defendant City of Long Beach pursuant to the Government Claims
4 Act (Govt. Code, § 911.2 et seq.).

5 12. Plaintiff has exhausted his administrative remedies by duly and timely filing
6 proper notice of claim with Defendant City of Long Beach Fire Department pursuant to the
7 Government Claims Act (Govt. Code, § 911.2 et seq.).

8 13. Plaintiff has exhausted his administrative remedies by duly and timely filing
9 proper notice of claim with Defendant County of Los Angeles pursuant to the Government
10 Claims Act (Govt. Code, § 911.2 et seq.).

11 14. Plaintiff has exhausted his administrative remedies by duly and timely filing
12 proper notice of claim with Defendant County of Los Angeles Fire Department pursuant to the
13 Government Claims Act (Govt. Code, § 911.2 et seq.).

14 **III. ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

15 1. Chicago Four Enterprise Inc. dba Crow's Cocktails (Crow's) employed Plaintiff
16 to provide security at its bar located at 5728 E 2nd St., Long Beach, California 90803. On April
17 5, 2019, Defendant Scharringhausen and a female guest arrived at Crow's and were admitted
18 into the bar.

19 2. On information and belief, Plaintiff alleges that at the time Defendant Scharring-
20 hausen was admitted to the bar, it appeared he had already consumed alcohol.

21 3. After sometime in the bar, Defendant Scharringhausen became disruptive and
22 started loudly arguing with his female guest. Plaintiff and Jack Dial – a retired police officer
23 whom Plaintiff knew and who was standing and talking with Plaintiff at the time – asked De-
24 fendant Scharringhausen to leave and proceeded to escort him out of the bar. Defendant Schar-
25 ringhausen's female guest chose to remain in the building.

26 4. While outside the bar, Defendant Scharringhausen requested that Plaintiff ask
27 his female guest to come out of the bar.

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1 5. Plaintiff asked the female guest if she wished to go outside, but the female guest
2 declined and elected to stay inside the bar.

3 6. Plaintiff informed Defendant Scharringhausen of his female guest's decision.

4 7. Defendant Scharringhausen remained in the area outside the bar for some time
5 and, on at least one occasion, tried to slip back into the bar unnoticed.

6 8. During the time Defendant Scharringhausen was outside the bar, Plaintiff also
7 remained outside the building, speaking with Mr. Dial.

8 9. Sometime later that evening, at 1:30 a.m., Defendant Scharringhausen became
9 belligerent and took an unprovoked swing at Mr. Dial.

10 10. Plaintiff moved to restrain Defendant Scharringhausen from further attacking
11 Mr. Dial.

12 11. While attempting to grab Defendant Scharringhausen, Plaintiff lost his balance
13 and fell to the ground, injuring his left knee. Then, when he attempted to stand, his right knee
14 gave out, resulting an additional injury.

15 12. A 911 call was placed, and Long Beach Police Department Officers Whybrew
16 and Evans arrived on scene. Long Beach Fire department with rescue ambulance BLS 14 were
17 dispatched and arrived at the location to find Plaintiff on the ground with injury to both knees.

18 13. The Firefighters instructed Plaintiff to stand up and get on the gurney. Plaintiff
19 informed them that he could not get up and could not stand. Plaintiff was told that he was too
20 big and too heavy and that he needed to stand so he could be placed on the gurney. Plaintiff
21 asked that the gurney be placed on the ground next to him so that he could roll on to it.

22 14. The Firefighters told Plaintiff they were not allowed to do so and decided to lift
23 Plaintiff. Plaintiff asked the Firefighters not to lift him as they would not be able to support his
24 weight.

25 15. Disregarding Plaintiff's request, the Firefighters decided to lift Plaintiff up by
26 his arms. One firefighter was behind Plaintiff and several others attempted to lift him. Plaintiff
27 screamed out in pain and was reassured by one of the firefighters "Look man we got you, we
28 got you."

16. The Firefighters were unable to support Plaintiff's weight and subsequently dropped Plaintiff, further injuring Plaintiff's knees and injuring Plaintiff's legs. As Plaintiff screamed in agony, the Firefighters scrambled to pick him up and place him on the gurney and into the ambulance.

17. Plaintiff was rushed to Dignity Health, St. Mary Medical Center in Long Beach, California where he underwent surgery, for quad re-attachment to both knees, and repair of the tendons.

FIRST CAUSE OF ACTION

(Negligence: Against Defendant Scharringhausen and Does 1-50)

18. Plaintiff realleges and incorporates by reference all the allegations set forth in this complaint.

19. In following the course of conduct alleged herein:

a. Defendant Scharringhausen and Does 1-50 owed Plaintiff a duty of reasonable care while consuming alcohol and while being out in public.

b. Defendants breached that duty when they attacked Plaintiff, causing him to injure both knees.

c. As a direct and legal cause of each Defendant's wrongful conduct, Plaintiff has suffered, and continues to suffer, both economic and noneconomic damages, including severe mental and emotional distress in an amount to be determined at trial.

20. As a proximate result of each and all of Defendant Scharringhausen and Does 1-50's aforesaid acts and omissions, Plaintiff was injured. As a result of these injuries, Plaintiff has, and in the future will have, physical, mental and emotional pain, suffering, worry and anxiety. By reason of these injuries and consequences, Plaintiff sustained general damages in an amount within the unlimited jurisdiction of the Superior Court.

21. By reason of these injuries, Plaintiff incurred and will incur in the future, medical and other special costs, all to his further damage, according to proof.

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SECOND CAUSE OF ACTION

(Battery: Against Defendant Scharringhausen and Does 1-50)

22. Plaintiff realleges and incorporates by reference all the allegations set forth in this complaint.

23. On the dates and at the locations alleged above, Defendant Scharringhausen and Does 1-50 did willfully, knowingly and deliberately touch Plaintiff without his consent and in a harmful and offensive manner.

24. As a direct and proximate result of each and all of the aforesaid acts and omissions, by Defendant Scharringhausen and Does 1-50, Plaintiff was injured. As a result of these injuries, Plaintiff has, and in the future will have, physical, mental and emotional pain, suffering, worry and anxiety. By reason of these injuries and consequences, he sustained general damages in an amount which is within the unlimited jurisdiction of the Superior Court.

25. By reason of these injuries, Plaintiff has incurred and will incur in the future, medical and other special costs, all to his further damage, according to proof.

26. In following the course of conduct alleged herein, Defendant Scharringhausen and Does 1-50 have acted with intent to cause injury to Plaintiff or have engaged in oppression and despicable conduct which Defendants carried on with a willful and conscious disregard of the rights or safety of Plaintiff and others, subjecting Plaintiff to cruel and unjust hardship in conscious disregard of his rights, all of which entitle Plaintiff to an award against Defendants of exemplary and punitive damages in such amount as the trier of fact may fix.

THIRD CAUSE OF ACTION

(Assault: Against Defendant Scharringhausen and Does 1-50)

27. Plaintiff realleges and incorporates by reference all the allegations set forth in this complaint.

28. At the time and place described above, Defendant Scharringhausen and Does 1-50 intentionally, willfully, wantonly and maliciously threatened Plaintiff with physical violence, and ultimately lunging or rapidly moving towards him in a violent and threatening

1 manner with the intent to physically harm Plaintiff. Plaintiff reasonably believed that Cross
2 Defendant Scharringhausen and Does 1-50 was about to touch him in a harmful manner.

3 29. At no time during the events described in this complaint, nor at any time prior
4 thereto, did Plaintiff consent to any of Defendant Scharringhausen's and Does 1-50's
5 threatened conduct.

6 30. As a direct and proximate result of Defendant Scharringhausen's and Does 1-
7 50's threatening actions as mentioned above, coupled with the present ability to inflict harm on
8 Plaintiff, Plaintiff felt the imminent apprehension of such violent behavior, and he therefore
9 suffered severe emotional distress and other injuries to his person, in an amount to be shown
10 according to proof.

11 31. As a direct, legal and proximate result of the aforesaid actions of Defendant
12 Scharringhausen and Does 1-50, Plaintiff was compelled to employ the services of hospitals,
13 physicians and surgeons, nurses, and the like, to care for and treat him, and he will incur future
14 hospital, medical, professional and incidental expenses, all to his damage in a sum to be shown
15 according to proof.

16 32. As direct, legal and proximate result of Defendant Scharringhausen's and Does
17 1-50's actions, Plaintiff sustained serious and permanent injuries to his person, all to his
18 damage in an amount to be shown according to proof.

19 33. As the legal result thereof, Plaintiff is entitled to special damages and general
20 damages in an amount currently unknown but according to proof at trial.

21 34. Defendant Scharringhausen and Does 1-50 committed the acts herein alleged
22 maliciously fraudulently, and oppressively, and with reckless disregard of Plaintiff's rights.
23 Defendant Scharringhausen's and Does 1-50's conduct amounted to malice and was earned out
24 in a despicable, deliberate, cold, callous and intentional manner, entitling Plaintiff to recover
25 punitive damages from Defendant Scharringhausen and Does 1-50 in an amount sufficient to
26 deter such conduct in the future and according to proof.

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FOURTH CAUSE OF ACTION

**(Intentional Infliction of Emotional Distress: Against Defendant Scharringshausen and
Does 1-50)**

35. Plaintiff realleges and incorporates by reference all the allegations set forth in this complaint.

36. Plaintiff is informed and believes, and thereon alleges, that Defendant Scharringhausen's and Does 1-50's actions were intentional, extreme, and outrageous.

37. Plaintiff is further informed and believes, and thereon alleges, that such actions were done with the intent to cause serious emotional distress or with reckless disregard of the probability of causing Plaintiff serious emotional distress.

38. As a direct, legal and proximate result of Defendant Scharringhausen and Does 1-50 actions, Plaintiff suffered severe emotional distress which caused him to sustain severe, serious and permanent injuries to his person, all to his damage in a sum to be shown according to proof.

39. As a direct, legal and proximate result of the aforesaid actions of Defendant Scharringhausen and Does 1-50, Plaintiff was compelled to employ the services of hospitals, physicians and surgeons, nurses, and the like, to care for and treat him, and he will incur future hospital, medical, professional and incidental expenses, all to his damage in a sum to be shown according to proof.

40. As a direct, legal and proximate result of the aforesaid tortious conduct of Defendant Scharringhausen and Does 1-50, Plaintiff was prevented from engaging in his usual occupation, thereby sustaining a loss of income, the duration and extent of which is as yet undetermined.

41. Defendant Scharringhausen and Does 1-50, and each of them, committed the acts herein alleged maliciously and oppressively, and with reckless disregard of Plaintiff's rights. Conduct by the Defendant Scharringhausen and Does 1-50, and each of them, amounted to malice and was earned out in a despicable, deliberate, cold, callous and intentional manner,

1 entitling Plaintiff to recover punitive damages from Defendant Scharringhausen and Does 1-50
2 in an amount sufficient to deter such conduct in the future and according to proof.

3 **FIFTH CAUSE OF ACTION**

4 **(Medical Negligence: Against Firefighters and Does 51-100)**

5 42. Plaintiff realleges and incorporates by reference all the allegations set forth in this
6 complaint.

7 43. At all relevant times, Plaintiff was under the care, custody and control of Defendant
8 Firefighters and Does 51-100, and each of them.

9 44. At all relevant times, Defendants Firefighters and Does 51-100 and each of them,
10 owed the following duties, among others, to Plaintiff, based on the Constitution, statutes, regu-
11 lations, case law and common law of the State of California:

- 12 a. Assess each call situation to determine best course of action and appropriate
13 protocol;
- 14 b. Utilize medical equipment and procedures including gurney, splints, band-
15 ages, and other procedures as required to provide basic medical care;
- 16 c. Provide patient care according to clinical protocols and safety requirements;
- 17 d. Lift and move patients as required to provide optimum care.

18 45. In following the course of conduct alleged herein, Defendant Firefighters and Does
19 51-100 acted negligently and carelessly and in breach of the duty of due care owed to Plaintiff.

20 46. As a direct and proximate result of each and all of Defendant Firefighters and Does
21 51-100's aforesaid acts and omissions, Plaintiff was injured. As a result of these injuries, Plain-
22 tiff has, and in the future will have, physical, mental and emotional pain, suffering, worry and
23 anxiety. By reason of these injuries and consequences, Plaintiff sustained general damages in
24 an amount which is within the unlimited jurisdiction of the Superior Court.

25 47. By reason of these injuries, Plaintiff has incurred and will incur in the future, medi-
26 cal and other special costs, all to his further damage, according to proof.

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SIXTH CAUSE OF ACTION

(Negligence: Against Firefighters and Does 1-50)

48. Plaintiff realleges and incorporates by reference all the allegations set forth in this complaint.

49. Defendant Firefighters undertook care and treatment and rendered professional services to Plaintiff.

50. Defendant Firefighters negligently undertook the care, treatment and professional services as set forth above.

51. As a direct and proximate result of each and all of Defendant Firefighters and Does 1-50's aforesaid acts and omissions, Plaintiff was injured. As a result of these injuries, Plaintiff has, and in the future will have, physical, mental and emotional pain, suffering, worry and anxiety. By reason of these injuries and consequences, Plaintiff sustained general damages in an amount within the unlimited jurisdiction of the Superior Court.

52. By reason of these injuries, Plaintiff incurred and will incur in the future, medical and other special costs, all to his further damage, according to proof.

**WHEREFORE PLAINTIFFS PRAY FOR JUDGMENT IN THEIR FAVOR
AND AGAINST DEFENDANTS, AND EACH OF THEM, AS FOLLOWS:**

As to All Defendants:

1. Compensatory, consequential and special damages in a sum to be proven at trial, which Plaintiffs believe is at least the sum of \$5,000,000.00;

2. General damages in a sum to be proven at trial;

3. Prejudgment interest at such rates and from such dates as may be determined by the trier of fact or the Court;

4. Attorneys' fees according to proof and as permitted by statute;

5. Costs of suit; and

6. Such further relief as this Court or the trier of fact deems just and proper; and

As to Defendant Scharringhausen:

7. Exemplary and punitive damages in an amount to be determined at trial.

DEMAND FOR JURY TRIAL

Plaintiff Howard Morris hereby respectfully requests a trial by jury for all claims and issues raised in his complaint that may be entitled to a jury trial.

LIPLES LAW GROUP, APC

Dated: April 1, 2020

By: Thomas H. Schelly
Todd Vollucci
Attorney for Plaintiff,
Howard Morris